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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,651	03/30/2001	Scott J. Tuman	54407USA6B.006	9447

32692 7590 05/18/2004

3M INNOVATIVE PROPERTIES COMPANY  
PO BOX 33427  
ST. PAUL, MN 55133-3427

EXAMINER
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TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/822,651

Applicant(s)

SEIDEL ET AL.

Examiner

Elena Tsoy

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 21-48, 50-70.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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***Advisory Action***

1. Request for Reconsideration filed on April 23, 2004 under 37 CFR 1.116 in reply to the final rejection has been entered and considered but is not deemed to place the application in condition for allowance.

***Response to Arguments***

2. Applicants' arguments filed April 23, 2004 have been fully considered but they are not persuasive.

(A) Applicants argue that claimed invention is novel over Thomas because (i) in case of hook structures 44, Figures 1 and 2 clearly show a demarcation line between each base of adjacent hook structures 44; and (ii) in case of an array of loops attached to a substrate, each individual loop is attached to the substrate 24 by a base 26 so that each "discrete polymeric region" provides only a single loop, and, even if one were to consider a row of adjacent loop components the equivalent of the claimed "discrete polymeric region", the loop components form only loops, not stems.

As to (i), the Examiner agrees with Applicants' argument that because of the demarcation line between each base of adjacent hook structures 44 hook structures 44 do not form claimed "discrete polymeric regions".

As to (ii), a row of adjacent loop components does form claimed "discrete polymeric regions" with a plurality of loop stems 28 extending from each "discrete polymeric region". Since Applicants did not define "stem", and a word "stem" can be interpreted according to

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Merriam-Webster's Collegiate Dictionary, as "something held to resemble a plant stem", loop stems 28 clearly cover claimed stems.

(B) Applicants argue that claimed invention is novel over Wessels et al because in contrast to claimed invention, a resin, which forms hook elements, *encapsulates* the substrate instead of being fused *to* a first major side of the web.

First of all, Figures 4A-4F of Wessels et al do not show that resin, which forms hook elements, *encapsulates* the substrate. As admitted by Applicants, the resin passes through the pores of woven or knit cloth to embed the foundation structure of the woven or knit cloth (See column 4, lines 18-20).

Secondly, claims do not recite negative limitation that polymer should not embed or encapsulate a substrate web while fusing discrete polymeric regions.

Thirdly, it is the Examiner's position that in claimed invention, a polymer of polymeric regions also embeds or encapsulates (at least partially) a fibrous web of claim 24, porous web of claim 25, woven web of claim 26 or a knit web of claim 28 while *fusing* a polymeric region to the web.

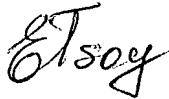
### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (571) 272-1429. The examiner can normally be reached on Mo-Thur. 9:00-7:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elena Tsoy  
Examiner  
Art Unit 1762

May 12, 2004